PATENT COOPERATION TREAT

	From the INTERNATIONAL BUREAU		
PCT	То:		
NOTIFICATION OF ELECTION (PCT Rule 61.2) Date of mailing:	Commissioner US Department of Commerce United States Patent and Trademark Office, PCT 2011 South Clark Place Room CP2/5C24 Arlington, VA 22202 ETATS-UNIS D'AMERIQUE		
08 February 2001 (08.02.01)	in its capacity as elected Office		
International application No.: PCT/US00/19785	Applicant's or agent's file reference: 769/VB		
International filing date: 20 July 2000 (20.07.00)	Priority date: 30 July 1999 (30.07.99)		
Applicant: SHERMAN, Faiz, Feisal et al			
1. The designated Office is hereby notified of its election made X in the demand filed with the International preliminary 30 August 200 in a notice effecting later election filed with the International preliminary 2. The election X was was not was not was not was not was not was not Rule 32.2(b).	y Examining Authority on: 00 (30.08.00) national Bureau on:		
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland			
Facsimile No.: (41-22) 740.14.35	J. Zahra Telephone No.: (41-22) 338.83.38		

PATENT COOPERATION TRACE

PCT

REC'D 0 7 NOV 2001

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file		See Notification of Transmittal of International
7691/VB	FOR FURTHER ACTI	ON Preliminary Examination Report (Form PCT/IPEA/416)
International application N	o. International filing date (day/	month/year) Priority date (day/month/year)
PCT/US00/19785	20/07/2000	30/07/1999
International Patent Class F15C5/00	ification (IPC) or national classification and IPC	
Applicant THE PROCTER & G	AMBLE COMPANY et al.	
	preliminary examination report has been pre to the applicant according to Article 36.	pared by this International Preliminary Examining Authority
2. This REPORT con	sists of a total of 7 sheets, including this co	ver sheet.
been amende (see Rule 70.1		of the description, claims and/or drawings which have ets containing rectifications made before this Authority tructions under the PCT).
	s indications relating to the following items: of the report	
II 🗆 Priority	,	
III 🗆 Non-e	stablishment of opinion with regard to novel	y, inventive step and industrial applicability
	f unity of invention	
	ned statement under Article 35(2) with rega ns and explanations suporting such stateme	d to novelty, inventive step or industrial applicability;
_	n documents cited	
VII 🛭 Certaii	n defects in the international application	
VIII 🗵 Certaiı	n observations on the international application	on
Date of submission of the	demand Da	ate of completion of this report
30/08/2000	05	.11.2001
Name and mailing address	nority:	thorized officer
	nich 399 - 0 Tx: 523656 epmu d	emble, Y lephone No. +49 89 2399 8914





I. Basis of the report

1.	the and	receiving Office in	response to an invitation	nal application (Replacement sheets which have been furnished to on under Article 14 are referred to in this report as "originally filed" do not contain amendments (Rules 70.16 and 70.17)):
	1-19	9	as originally filed	
	Cla	ims, No.:		
	1-2	9	with telefax of	12/10/2001
	Dra	wings, sheets:		
	1/12	2-12/12	as originally filed	
2.				marked above were available or furnished to this Authority in the n was filed, unless otherwise indicated under this item.
	The	ese elements were a	available or furnished to	o this Authority in the following language: , which is:
		the language of a	translation furnished fo	r the purposes of the international search (under Rule 23.1(b)).
		the language of pu	ublication of the interna	tional application (under Rule 48.3(b)).
		the language of a 55.2 and/or 55.3).	translation furnished fo	r the purposes of international preliminary examination (under Rule
3.				acid sequence disclosed in the international application, the ried out on the basis of the sequence listing:
		contained in the in	ternational application	in written form.
		filed together with	the international applic	ation in computer readable form.
		furnished subsequ	ently to this Authority i	n written form.
		furnished subsequ	ently to this Authority i	n computer readable form.
			t the subsequently furr pplication as filed has t	ished written sequence listing does not go beyond the disclosure in been furnished.
		The statement tha listing has been fu		ded in computer readable form is identical to the written sequence
4.	The	amendments have	resulted in the cancel	lation of:
		the description,	pages:	
		the claims,	Nos.:	



		the drawings,	sheets:			
5.					ome of) the amendments had not been made, since they has filed (Rule 70.2(c)):	ave beer
		(Any replacement shoreport.)	eet contail	ning such	amendments must be referred to under item 1 and annexe	ed to this
6.	Add	litional observations, if	necessar	y:		
IV.	Lac	k of unity of invention	n			
		-		ict or pay	additional fees the applicant has:	
		restricted the claims.				
		paid additional fees.				
		paid additional fees u	nder prote	est.		
		neither restricted nor	paid addit	ional fees		
2.		-		•	of unity of invention is not complied and chose, according or pay additional fees.	to Rule
3.	This	Authority considers the	nat the rec	quirement	of unity of invention in accordance with Rules 13.1, 13.2 ar	nd 13.3 i
		complied with.				
	×	not complied with for see separate sheet	the followi	ing reaso	ns:	
4.		sequently, the followir mination in establishin			ational application were the subject of international prelimi	nary
		all parts.				
	×	the parts relating to c	laims Nos	. 1-26.		
V.		soned statement und tions and explanatio			th regard to novelty, inventive step or industrial applica	ability;
1.	Stat	ement				
	Nov	elty (N)	Yes: No:	Claims Claims	1-26	
	Inve	ntive step (IS)	Yes: No:	Claims Claims	1-26	





International application No. PCT/US00/19785

Industrial applicability (IA)

Yes:

Claims 1-26

No: Claims

2. Citations and explanations see separate sheet

VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted: see separate sheet

VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made: see separate sheet

Item IV

Lack of unity (Rule 13 PCT).

The application lacks unity within the meaning of Rule 13 PCT for the following reasons.

The separate inventions or group of inventions claimed in the application are the following:

- A microvalve for controlling fluid flow, a method of electrostatically actuating a microvalve between a first position and a second position, and a fluid-breathing voltaic battery comprising a fluid exchange system including a microvalve having a first and a second positions, as claimed respectively in independent claims 1, 22 and 26 with their respective dependent claims 2 to 21 and 23 to 25. The special technical features which link these independent claims appear to lie in the provision of a latching mechanism for retaining said microvalve in one of said first and second position;
- A method of fabricating an electrostatic microvalve and an electrostatic 2. microvalve, as claimed in respectively in independent claims 27 and 28 with dependent claim 29. The special features which link these independent claims appear to lie in the specific structure of the microvalve resulting from the method of fabricating that valve, namely the provision of first and second wafers, wherein a top surface of the first wafer is etched to create a shutter and a plurality of actuators operative with said shutter, and of a sacrificial layer having a portion removed so as to release said actuators.

The subject-matter of each of said group of claims relates to features which are not linked so as to form a single general inventive concept within the meaning of Rule 13.1. More particularly, no common novel concept linking together the independent claims of each of said group of claims could be recognized. When comparing the inventions defined in each of said group of independent claims no common special technical feature in the sense of Rule 13.2 PCT is to be found, which is not already known from the prior art cited in the international preliminary search report (see Point V below).

Item V

Independent claims 1, 22 and 26.

These claims relate respectively to:

- a microvalve for controlling fluid flow, especially in fluid breathing batteries (metal-air cell);
- a method of actuating a microvalve; and
- a fluid-breathing voltaic battery comprising a fluid exchange system including a microvalve.

The object of the invention is to minimize parasitic current drain on the battery.

This object is achieved by combining an electrostatic drive mechanism for causing a shutter of the microvalve to move and a latching mechanism for preventing said shutter from moving when it is not activated.

This combination, common to all three independent claims is not suggested by the cited prior art documents.

The electrostatic valve according to the invention can utilize the charge of the cell to drive the valve so that the parasitic drain is much less than for thermal or magnetic valves. The use of an electrostatic drive for actuating a shutter of a microvalve is known from US-A-5 400 824 (D3). There is, however, no suggestion to provide that valve with a latch. WO-A-99/16096 (D2) discloses a "thermally driven" actuator combined with a "thermally driven" latch. US-A-5 837 394 (D1) utilizes a resistive element to drive the shutter of a microvalve and a passive latching mechanism.

The subject-matter of these claims is also industrially applicable.

Therefore the subject-matter of the respective claims 1, 22 or 26 appears to meet the requirements of Articles 33 (2) and 33 (3) PCT.

Dependent claims 2 to 21, 23 to 25.

These claims relate to developments of the inventive concept disclosed in the

independent claim 1, 22 or 26 to which they are respectively appended.

Item VII

The technical features mentioned in the claims are not followed by reference signs relating to these features, contrary to Rule 6.2(b) of the PCT.

In contradiction with the requirements of Rule 6.3 (b) (i) and (ii) PCT, the independent claims have not been cast in the two part form, with those features which in combination are part of the prior art (see documents D1, D2 or D3) being placed in the preamble.

The documents D1, D2 and D3 have not been identified in the description nor has the relevant background art disclosed therein been discussed. The requirements of Rule 5.1(a)(ii) PCT are, thus, not fulfilled.

The description has not been adapted to the new claims

Item VIII

In independent claim 22 the expression "controlling fluid flow moving perpendicular to said microvalve" is not clear, since the microvalve does not no define any preferred extension or direction to which fluid flow could be perpendicular. For the purpose of this report, the expression has been interpreted as meaning that the microvalve controls fluid flow moving perpendicular to the shutter".

The vague and imprecise statement in the description on page 20, last paragraph implies that the subject-matter for which protection is sought may be different to that defined by the claims, thereby resulting in lack of clarity of the claims (Article 6 PCT) when used to interpret them. This statement should therefore be amended to remove this inconsistency.



What is claimed is:

- 1. A microvalve for controlling fluid flow, comprising:
 - (a) a body portion having a plurality of spaced openings formed therein;
 - (b) a shutter located adjacent to and substantially parallel with said body portion, said shutter having a plurality of spaced openings formed therein;
 - (c) a drive mechanism for causing said shutter to move with respect to said body portion so that said spaced openings of said shutter are brought into and out of alignment with said spaced openings of said body portion, wherein said microvalve is in an open position and a closed position, respectively; and
 - (d) a latching mechanism for preventing said shutter from moving with respect to said body portion.
- 2. The microvalve of claim 1, wherein said shutter is biased in said closed position.
- 3. The microvalve of claim 2, said latching mechanism being utilized to prevent said shutter from moving when in said open position.
- 4. The microvalve of claim 1, wherein said shutter is biased in said open position.
- 5. The microvalve of 4, said latching mechanism being utilized to prevent said shutter from moving when in said closed position.
- 6. The microvalve of claim 1, said shutter further comprising:
 - (a) a substantially rectangular frame having a first pair of sides substantially parallel to said spaced openings and a second pair of sides substantially perpendicular to said spaced openings; and
 - (b) a plurality of spaced finger-like members extending between said second pair of frame sides defining said spaced openings therebetween.

- 7. The microvalve of claim 6, said latching mechanism further comprising:
 - (a) an ear extending from at least one of said second pair of frame sides; and
 - (b) an electrostatic comb drive positioned adjacent each of said second pair of frame sides having said ear, wherein said electrostatic comb drive is movable so as to engage and disengage said ear and thereby prevent and permit said shutter from moving, respectively.
- 8. The microvalve of claim 6, said latching mechanism further comprising at least one electrostatic comb drive positioned adjacent at least one of said second pair of frame sides, wherein said electrostatic comb drive is movable so as to engage and disengage said shutter frame and thereby prevent and permit said shutter from moving, respectively.
- 9. The microvalve of claim 8, wherein said shutter forms a spine for said electrostatic comb drive.
- 10. The microvalve of claim 6, wherein said drive mechanism is an electrostatic comb drive attached to each of said first pair of frame sides.
- 11. The microvalve of claim 1, said shutter further comprising:
 - (a) a substantially circular frame having a center portion; and
 - (b) a plurality of spaced members extending between said center portion and said frame defining said spaced openings therebetween.
- 12. The microvalve of claim 11, said latching mechanism further comprising:
 - (a) an ear extending from said frame; and
 - (b) an electrostatic comb drive positioned adjacent said frame proximate said ear, wherein said electrostatic comb drive is movable so as to engage and disengage said ear and thereby prevent and permit said shutter from moving, respectively.

- 13. The microvalve of claim 11, said latching mechanism further comprising at least one electrostatic comb drive positioned adjacent said frame, wherein said electrostatic comb drive is movable so as to engage and disengage said shutter frame and thereby prevent and permit said shutter from moving, respectively.
- 14. The microvalve of claim 11, wherein said drive mechanism is an electrostatic comb drive attached to said frame.
- 15. The microvalve of claim 1, wherein power to disengage said latching mechanism is maintained only during a change in position of said shutter.
- 16. The microvalve of claim 1, wherein power to said drive mechanism is maintained only while said latching mechanism is disengaged.
- 17. The microvalve of claim 1, wherein a predetermined amount of fluid is able to leak through said microvalve in the closed position.
- 18. The microvalve of claim 1, wherein said shutter is movable to a position intermediate said open and closed positions so as to permit a partial opening of said microvalve.
- 19. The microvalve of claim 1, wherein said drive mechanism causes said shutter to move linearly with respect to said body portion and said latching mechanism prevents said shutter from moving with respect to said body portion.
- 20. The microvalve of claim 1, wherein said drive mechanism causes said shutter to move non-linearly with respect to said body portion and said latching mechanism prevents said shutter from moving with respect to said body portion.

21. The microvalve of claim 1, further comprising a controller for providing power to said drive mechanism and said latching mechanism.

- 22. A method of electrostatically actuating a microvalve between a first position and a second position, said microvalve including a shutter located adjacent a body portion, comprising the following steps:
 - (a) disengaging a latching mechanism so as to permit movement of said shutter with respect to said body portion;
 - (b) actuating a drive mechanism to move said shutter from said first position to said second position with respect to said body portion; and
 - (c) engaging said latching mechanism so as to prevent movement of said shutter from said second position.
- 23. The method of claim 22, said disengaging step occurring immediately prior to and during movement of said shutter.
- 24. The method of claim 22, said actuating step occurring only while said latching mechanism is disengaged.
- 25. The method of claim 22, further comprising the step of biasing said shutter in said first position.
- 26. A fluid-breathing voltaic battery, comprising:
 - (a) a container;
 - (b) a voltaic cell disposed within said container; and
 - (c) a fluid exchange system comprising:
 - (1) a microvalve having a first state and a second state, said microvalve being disposed in said container such that said microvalve is located between a fluid flow and said cell, wherein said microvalve is adapted to allow a fluid into said cell



when said microvalve is in said first state and to substantially prevent said fluid from flowing into said cell when said microvalve is in said second state:

- (2) a controller electrically connected to said microvalve, said controller being adapted to initiate a change of state in said microvalve; and
- (3) a latching mechanism for retaining said microvalve in one of said first and second states.

27. A method of fabricating an electrostatic microvalve, comprising the following steps:

- (a) providing a first wafer having a top surface and a bottom surface;
- (b) providing a masking material on said top surface of said first wafer;
- (c) providing a second wafer having a top surface and a bottom surface;
- (d) etching a plurality of spaced openings on said top surface of said second wafer;
- (d) bonding said bottom surface of said first wafer to said top surface of said second wafer via a sacrificial layer;
- (e) etching said masking material of said first wafer to create a shutter and a plurality of actuators operative therewith;
- (f) etching a portion of said second wafer so as to create a passage in flow communication with said spaced openings etched on said top surface thereof; and
- (g) removing a portion of said sacrificial layer between said first and second wafers to release said actuators.

28. An electrostatic microvalve, comprising:

(a) a first wafer having oxide on a top surface thereof, wherein said top surface is etched to create a shutter, a plurality of actuators operative with said shutter, and a latching mechanism to prevent movement of said shutter;

(b) a second wafer having a plurality of spaced openings etched on a top surface thereof, wherein a portion of said second wafer in substantial alignment with said spaced openings is etched therefrom so as to create a passage in flow communication therewith; and

- (c) a sacrificial layer positioned between said first and second wafers to bond said first and second wafers, said sacrificial layer having a portion removed in substantial alignment with said flow passage so as to release said actuators.
- 29. The electrostatic microvalve of claim 28, wherein a thickness for said sacrificial layer is predetermined so as to permit a designated leakage flow through said microvalve when spaced openings in said shutter are not in alignment with said spaced openings in said second wafer.



PATENT COOPERATION TREATY PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 7691/VB	FOR FURTHER see Notification (Form PCT/ISA/	of Transmittal of International Search Report 220) as well as, where applicable, item 5 below.
International application No.	International filing date (day/month/year)	(Earliest) Priority Date (day/month/year)
PCT/US 00/19785	20/07/2000	30/07/1999
Applicant THE PROCTER & GAMBLE COMPA	ANY	
This International Search Report consists		
Basis of the report a. With regard to the language, the incomparison of the language.	nternational search was carried out on the ba	sis of the international application in the
the international search was Authority (Rule 23.1(b)). b. With regard to any nucleotide and was carried out on the basis of the contained in the internation filed together with the internation furnished subsequently to the statement that the subsequent that the subsequent that the subsequent to the statement that the subsequent that the subseq	as carried out on the basis of a translation of the discrete out on the basis of a translation of the discrete out on the basis of a translation of the discrete out on the insequence listing: and application in written form. anational application in computer readable form. this Authority in written form. this Authority in computer readble form. sequently furnished written sequence listing discrete.	he international application furnished to this sternational application, the international search
international application as the statement that the infor		s identical to the written sequence listing has been
Certain claims were foun Unity of invention is lack	d unsearchable (See Box I). Ing (see Box II).	
4. With regard to the title, The text is approved as sub the text has been establish	mitted by the applicant. ed by this Authority to read as follows:	
5. With regard to the abstract, the text is approved as sub the text has been establish within one month from the control of the drawlngs to be publicated as suggested by the applicated because the applicant failed because this figure better control of the drawlngs.	ed, according to Rule 38.2(b), by this Authorit date of mailing of this international search rep hed with the abstract is Figure No. ant. d to suggest a figure.	y as it appears in Box III. The applicant may, ort, submit comments to this Authority. None of the figures.



Box III TEXT OF THE ABSTRACT (Continuation of item 5 of the first sheet)

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The abstract is modified as follows:
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line 1: after "microvalve" insert "(10)", and after "portion" "(14)"; line 2: after "openings" insert "(18)", and after "shutter" "(12)"; line 3: after "openings" insert "(16)"; line 4: after "mechanism" insert "(20,22)"; line 7: after "mechanism" insert "(36,38,40,42)".
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INTERNATIONAL SEARCH REPORT



Intern 'al Application No JS 00/19785

A. CLASSIFICATION OF SUBJECT MATTER
IPC 7 F15C5/00 H01M2/12

H02N1/00

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

 $\begin{array}{ll} \mbox{Minimum documentation searched (classification system followed by classification symbols)} \\ \mbox{IPC 7} & \mbox{F15C} & \mbox{H01M} & \mbox{H02N} \end{array}$

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data, PAJ

C. DOCUME	ENTS CONSIDERED TO BE RELEVANT	
Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 99 16096 A (MAHADEVAN) 1 April 1999 (1999-04-01) page 28, line 20 -page 29, line 25 page 35, line 22 -page 36, line 15 page 41, line 4 -page 42, line 12 figures 11,15,20,21	1-29
x	WO 99 37013 A (JERMAN) 22 July 1999 (1999-07-22) page 35, line 19 - line 31; figures 31,34 -/	1-10, 15-17, 19,21-29

Further documents are listed in the continuation of box C.	χ Patent family members are ilsted in annex.
 Special categories of cited documents: "A" document defining the general state of the art which is not considered to be of particular relevance "E" earlier document but published on or after the international filing date "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified) "O" document referring to an oral disclosure, use, exhibition or other means "P" document published prior to the international filing date but later than the priority date claimed 	T' later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention "X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone "Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art. "&" document member of the same patent family
Date of the actual completion of the international search 14 November 2000	Date of mailing of the international search report 21/11/2000
Name and mailing address of the ISA European Patent Office, P.3. 5818 Patentlaan 2 NL – 2280 HV Rijswijk Tel. (+31-70) 340-2040, Tx. 31 651 epo nl. Fax: (+31-70) 340-3016	Authorized officer SLEIGHTHOLME, G

INTERNATIONAL SEARCH REPORT



al Application No P S 00/19785

		P S 00/19785
C.(Continu	ation) DOCUMENTS CONSIDERED TO BE RELEVANT	
Ca:egory °	Citation of document, with indication, where appropriate, of the relevant passages	Resevant to claim No.
X A	US 5 400 824 A (STOKMAIER) 28 March 1995 (1995-03-28) column 3, line 61 -column 4, line 35	1,6,10, 12,14, 17,19,
i	column 6, line 22 - line 34 figures 1,4	20,28,29
1	US 5 837 394 A (SCHUMM) 17 November 1998 (1998-11-17) cited in the application column 4, line 38 - line 42 column 7, line 66 -column 8, line 12 figure 8	1,26
1	US 5 178 190 A (METTNER) 12 January 1993 (1993-01-12) abstract; figure 1	6,19
	, the state of the	

INTERNATIONAL SEARCH REPORT

on patent family members

Interns al Application No
P S 00/19785

Patent document cited in search report		Publication date	Patent famil member(s)	y	Publication date
WO 9916096 A	\	01-04-1999	EP 1008 US 5955 US 6114	798 A 161 A 317 A	30-11-1999 12-04-1999 14-06-2000 21-09-1999 05-09-2000 08-02-2000
WO 9937013 A	A	22-07-1999	AU 2223 US 5998 US 6134 AU 5569	906 A	02-08-1999 07-12-1999 17-10-2000 06-03-2000
US 5400824 A	٩	28-03-1995	WO 9213 DE 59107		23-07-1992 06-08-1992 20-06-1996 07-01-1993
US 5837394 <i>F</i>	A	17-11-1998			30-07-1996 12-09-1995 19-04-1994 25-11-1993
US 5178190 /	A	12-01-1993		579 A 378 A	25-06-1992 09-10-1992